

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

WOONASQUATUCKET RIVER
WATERSHED COUNCIL, *et al.*,

Plaintiffs,

v.

DEPARTMENT OF AGRICULTURE,
et al.,

Defendants.

Civil Action No. 1:25-cv-97 (MSM)

**DEFENDANTS' STATUS REPORT REGARDING
PRELIMINARY INJUNCTION AND REQUEST FOR CLARIFICATION**

On April 15, 2025, this Court entered a preliminary injunction in the above-captioned matter. *See* ECF No. 45. The preliminary injunction directs (among other things):

- “ORDERED that Defendants OMB and NEC Director Hassett provide written notice of the Court’s preliminary injunction to all agencies to which Memorandum M-25-11 was addressed. The written notice shall instruct those agencies that they may not take any steps to implement, give effect to, or reinstate under a different name the unilateral, non-individualized directives in Memorandum M-25-11 with respect to the disbursement of all open awards under the Inflation Reduction Act or the Infrastructure Investment and Jobs Act. It shall also instruct those agencies to continue releasing any disbursements on open awards that were paused due to or in reliance on Memorandum M-25-11;”
- “ORDERED that Defendants Energy, EPA, HUD, Interior, and USDA provide written notice of the Court’s preliminary injunction to all grantees who have been awarded funds under the Inflation Reduction Act or the Infrastructure Investment and Jobs Act;” and
- “ORDERED that all Defendants shall file a status report on or before April 16, 2025, at 5:00 p.m. EST, apprising the Court of the status of their compliance with this Order and providing a copy of all directives that Defendants provided pursuant to this Order.”

ECF No. 45 at 61-62, ¶¶ 4-5, 8. In accordance with the Order's directive that Defendants file a status report "apprising the Court of the status of their compliance with this Order and providing a copy of all directives that Defendants provided pursuant to this Order," *id.* at 62 ¶ 8, Defendants respectfully submit this status report.

Pursuant to the Court's Order, attached hereto as Exhibit A is a copy of the "written notice of the court's preliminary injunction" that was sent "to all agencies to which OMB Memorandum M-25-11 was addressed" on behalf of "Defendants OMB and NEC Director Hassett." As the attached reflects, the written notice instructed agencies that they "may not take any steps to implement, give effect to, or reinstate under a different name the unilateral, non-individualized directives in Memorandum M-25-11 with respect to the disbursement of all open awards under the Inflation Reduction Act or the Infrastructure Investment and Jobs Act." Additionally, it instructed agencies to "continue releasing any disbursements on open awards that were paused due to or in reliance on Memorandum M-25-11."

Separately, attached hereto as Exhibits B, C, and D are copies of the written notifications that "Defendants Energy, EPA, [and] HUD . . . provide[d] . . . to all grantees who have been awarded funds under the Inflation Reduction Act or the Infrastructure Investment and Jobs Act[.]" Defendants Interior and USDA have not yet provided written notification of the Court's Order, but are in the process of providing such written notification "to all grantees who have been awarded funds under the Inflation Reduction Act or the Infrastructure Investment and Jobs Act[.]"

Defendants note that the written notification provided by Defendant Energy was posted on the federal government's System for Award Management (sam) public website, specifically at <https://sam.gov/opp/14674dfbc7de46c89fbc37741b04886f/view>. In Defendants' view, publicly posting a notice on the sam.gov website should suffice to "provide written notice to all grantees who have been awarded funds under the Inflation Reduction Act or the Infrastructure and Jobs Act." ECF No. 45 at 62. Providing individualized written notice to each grantee, even by email, would be highly burdensome because the agency lacks a means by which to communicate with all grantees simultaneously. Furthermore, it is the agency's position that it is incumbent on the contractor or grantee to check this public website. Accordingly, to the extent the Court concludes additional measures need to be taken to provide notice to the grantees, Defendants respectfully request clarification from the Court regarding the requirements in Paragraph 5 of the Court's Order.

Finally, undersigned counsel understands that the Defendant agencies—Energy, EPA, HUD, Interior, and USDA—are actively working through the process of resuming all appropriate funding disbursements pursuant to the Court's Order.

Defendants respectfully submit that they are complying with the Court's Order. Defendants respectfully request that the Court advise Defendants if they have misunderstood the intended scope of the Court's Order, and provide any necessary clarification regarding the requirements set forth in Paragraph 5 of the Court's Order.

Dated: April 16, 2025

Respectfully submitted,

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ALEXANDER K. HAAS
Director

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/s/ Andrew F. Freidah
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CERTIFICATION OF SERVICE

I hereby certify that on April 16, 2025, I electronically filed the within Certification with the Clerk of the United States District Court for the District of Rhode Island using the CM/ECF System, thereby serving it on all registered users in accordance with Federal Rule of Civil Procedure 5(b)(2)(E) and Local Rule Gen 305.

/s/ Andrew F. Freidah
Andrew F. Freidah